

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed October 4, 2004. Claims 1-21 and 23-25 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1, 3, 5-9, 12, 14, 15, 23, 24 and 26-30 remain in the application. Claims 1-25 were originally presented in the application. Claims 2, 4, 10, 11, 13, 16-22 and 25 have been canceled without prejudice. Claims 1, 7, 8, 12, 14, 15 and 23 have been amended. New claims 26-30 have been added. Support for the new claim and amendments is found in the specification and drawings, and specifically in the specification at page 5, line 8 through page 7, line 23; and FIGs. 1-6. Claims 12, 14 and 15 have been amended to correct dependency, without limiting the scope thereof, and not for reasons of patentability.

Election/Restriction Requirements:

In response to the restriction requirement made during a telephone conversation with the Examiner on September 28, 2004, the Applicant affirms the election of group 1 and species 1. The claims readable thereon being claims 1-21 and 23-25. Claim 22 was withdrawn and has been canceled.

Claim Rejections - 35 U.S.C. § 112

Claims 4 and 7 stand rejected under § 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 has been cancelled without prejudice. Claim 7 has been amended.

Specification

The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter due to, "use of a confusing variety of terms for the same thing." Various claims have been amended and Applicant respectfully submits that the claims are supported by the specification and drawings.

Claim Rejections - 35 U.S.C. § 102

Claims 1-21 and 23-25 (including independent claims 1, 8, 16, 23, and 25) were rejected under 35 U.S.C. § 102(b) as being anticipated by Slemker et al (6,228,124), and claim 1 was rejected by Kramer et al (5,746,774).

Independent claims 16 and 25 have been canceled.

Independent claim 1 recites:

“a movable coupling, disposed between the upper and lower portions, having an arcuate movement track and constraining both pivotal and displacement movement of the lower portion with respect to the upper portion to the arcuate displacement track so that the lower portion is limited to move: i) simultaneously in a downward and forward direction in which the lower portion simultaneously pivots downward and displaces forward with respect to the upper portion; and ii) simultaneously in a rearward and upward direction in which the lower portion simultaneously pivots upward and displaces rearward with respect to the upper portion.” (emphasis added)

The elements of an arcuate movement track and a movable coupling limiting movement of the lower portion to simultaneously in a downward and forward direction are not taught in either the Slemker or Kramer references. Slemker teaches a frustropyramidal boss 30 that pivots within a socket 32 allowing angular adjustment, and a separate dove tail anchoring member 20 that fits within a dove tail shaped groove 26 thereby allowing the pylon support 22 to slide. Therefore, the foot of the Slemker reference does not have an arcuate movement track, does not constrain pivotal and displacement movement to the arcuate movement track, or limit movement of the foot in any way. For example, the boss and socket of Kramer allow the foot to move laterally or diagonally. Thus, movement is not limited to the downward and forward direction. Similarly, the Kramer reference does not teach an arcuate movement track.

Therefore, independent claim 1 is allowable over the Slemker and Kramer references, and Applicant requests that the rejection be withdrawn. Dependent claims 3 and 5-7 are allowable for at least their dependence on allowable claim 1.

Independent claim 8 recites:

“an adjustable ankle, disposed between the foot member and the attachment member, including an arcuate projection with a T-shaped cross-section slidable in an arcuate slot with a T-shaped cross-section.”

The Slemker reference does not disclose an arcuate projection and arcuate slot with T-shaped cross-sections. Therefore, independent claim 8 is allowable over the Slemker reference, and Applicant requests the rejection be withdrawn. Dependent claims 9, 12, 14 and 15 are allowable for at least their dependence on allowable claim 8.

Independent claim 23 recites:

“means for movably coupling the lower portion to the upper portion and for constraining movement of the lower portion with respect to the upper portion to an arcuate movement path and limiting the lower portion to simultaneously pivot and displace forward and downward, or rearward and upward.” (emphasis added)

The Slemker reference does not teach any means for constraining movement to an arcuate movement path or for limiting movement of the lower portion to simultaneously pivot and displace. As described above, the boss and socket of the Slemker reference allows the foot to pivot laterally or diagonally, and does not limit the lower portion to simultaneously pivot and displace forward and downward. Therefore, independent claim 23 is allowable over the Slemker reference, and Applicant requests the rejection be withdrawn. Dependent claim 25 is allowable for at least its dependence on allowable claim 23.

CONCLUSION

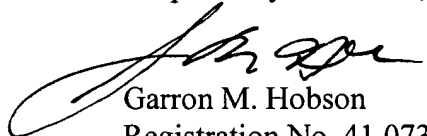
In light of the above, Applicant respectfully submits that pending claims 1, 3, 5-9, 12, 14, 15, 23, 24 and 26-30 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Garron M. Hobson at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Five claims were added (claims 26-30), including one independent claim (claim 26), while fifteen claims were canceled (2, 4, 10-13, 15-22 and 25), including three independent claims (claims 16, 22 and 25). Therefore, no additional claim fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 4th day of January, 2005.

Respectfully submitted,



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